

REMARKS

Claims 24-26 and 28-52 have been rejected. By the above amendment, claims 30, 32-34 and 36 have been canceled, and claim 53 has been added. Claims 24-26, 28-29, 31, 35 and 37-53 now remain subject to examination.

New independent claim 53 essentially recites many of the features of brush head claim 24, but in the context of a full toothbrush rather than a removable brush head.

Claim Rejections – 35 USC § 112

Claims 37 and 43 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 37 (and its base claim 25) have been amended to more particularly point out the intended relationship of structural components. With regard to the embodiment illustrated in FIG. 3, the longitudinal space 22 between posts 23 and 24 forms a driver coupler that is coupled with driver pin 50 at a driving coupling 21 that allows for relative pivoting of the coupled driver coupler (space 22 and posts 23 and 24) with respect to driver pin 50. This compensates for angulation between the eccentric driver 50 and corresponding bristle support 13.

The Examiner finds no basis for the phrase “the drive couplers” in line 1 of claim 43, suggesting that “there may only be a single drive coupler in claims 42 and 24 from which claim 43 depends.” However, Applicant notes that claim 24 recites “a plurality of drive couplers,” thus precluding a single drive coupler.

Claim Rejections – 35 USC § 102

Claims 24-26, 28-33, 37-40, 42-43, 45 and 49-50 stand rejected under 35 U.S.C. §§102(a) and 102(e) as anticipated by U.S. Pat. No. 6,434,773 to Kuo (“Kuo”). Applicant respectfully disagrees and asks for reconsideration.

Claim 24 has been amended to more clearly recite that the brush head carrier has a housing with “a free end configured to be releasably connected to an electric toothbrush hand

piece.” Claim 50 has been amended to say that the brush head carrier is “configured to be releasably attached to an electric toothbrush hand piece.” Applicant maintains that, as explained in the earlier reply, Kuo does not disclose such a connection as it would be understood by anyone of ordinary skill in the art of electric toothbrushes, and that Kuo is clearly directed away from such types of toothbrush head connections. Kou specifically explains that one of the purposes of his design is to avoid having to replace the entire head assembly (see Kou 1:67 – 2:28, 2:58-61).

Applicant agrees that claims 24 and 50 do not positively recite an electric hand piece to which the head is releasably connectable, such that the claims directly read on such a replacement head packaged separately, for example. However, in response to the contention that none of the claims require a handpiece, Applicant notes that claim 49 does have such a positive recitation.

Therefore, Applicant submits that none of the pending claims are anticipated by Kuo and asks that this rejection now be withdrawn.

Claims 24, 28-36, and 38-52 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Pat. No. 6,725,490 to Blaustein et al. (“Blaustein”). Applicant traverses certain aspects of this rejection, and has made amendments to certain claims in response to other aspects, and requests that the rejection be reconsidered and withdrawn with respect to all claims.

Regarding claim 24 and its depending claims, claim 24 has been amended to recite that the plurality of bristle supports includes a main bristle support rotatable about an axis of rotation essentially perpendicular to the longitudinal rotation axis of the translator element, and an auxiliary bristle support pivoted about a pivot axis essentially perpendicular to the longitudinal rotation axis of the translator element and disposed near an edge of the auxiliary bristle support nearest the main bristle support, such that an end of the auxiliary bristle support remote from the main bristle support oscillates laterally as the auxiliary bristle support pivots about the pivot axis. It will be understood that this amendment incorporates many of the features of previously pending claims 30 and 32, and further adds a recitation of the location of the pivot axis of the

auxiliary brush head. An embodiment of this configuration is shown in FIG. 1. As Blaustein discloses no such configuration or motion of a brush head carrier, Applicant submits that this amendment overcomes the §102 rejection as to claim 24 and its dependent claims. Furthermore, as none of the cited art provides any suggestion or reason to modify any of Blaustein's arrangements to provide the claimed construction, Applicant submits that claim 24 also represents a non-obvious invention as compared to the cited art.

Claim 50 has been amended to remove features not considered by the Examiner to distinguish the prior art, and to add that one of the drive couplers, which directly engage the driver pin, also defines a passage through which the driver pin passes, the passage being configured to permit a corresponding bristle support to pivot in rotation about an axis of rotation extending transverse to the driver pin. Such an arrangement is shown, for example, in FIG. 3, in the form of passage 22 between projections 23 and 24. This coupling provides an extra degree of freedom that allows the auxiliary bristle support to pivot about an axis perpendicular to the driver pin 50. In Blaustein, the only coupling arrangements featuring a passage *through* which a driver passes, such as in Blaustein's FIG. 18, enable only translational motion of the corresponding bristle support, rather than a pivoting motion. Therefore, Blaustein does not anticipate claim 50. Furthermore, as none of the cited art provides any suggestion or reason to modify any of Blaustein's arrangements to provide the recited coupling arrangement, Applicant submits that claim 50 also represents a non-obvious invention as compared to the cited art.

Claim 51, which has now been amended to recite that the driver is eccentrically disposed with respect to a rotational axis of the translator element, recites that the driver is mounted on the translator element for displacement in the longitudinal direction. In the embodiment of FIG. 3, for example, this structural relationship between translator element 15 and driver 50 allows the driver to move axially during its rotational oscillation, biased by spring 52. The rejection of this claim refers generally to Figures 12-14 of Blaustein, but no such longitudinal displacement of anything mounted to a translator element is evident from the drive arrangements shown in those figures. The cited figures illustrate longitudinal displacements of an auxiliary carrier support (1210,1310), effected by rotation of a shaped drive shaft (1218,1318), not a longitudinal

displacement of anything carried by the translator element or drive shaft. Therefore, Blaustein does not anticipate claim 51. Furthermore, as none of the cited art provides any suggestion or reason to modify any of Blaustein's arrangements to provide the recited displaceable driver arrangement, Applicant submits that claim 51 also represents a non-obvious invention as compared to the cited art.

The rejection of claim 52 refers to spring 934 in Blaustein's Figure 9, which appears to bias the drive coupler 922 of the bristle support 926 against the drive shaft cam 914. Claim 52 has been amended to clarify that Applicant's spring is disposed between the translator element and the eccentric driver, and biases the driver against a bristle support. Thus, this bias load is developed between two moving components, rather than between a bristle support and the housing as in Blaustein. Therefore, Blaustein does not anticipate claim 52, nor is there any evident reason, prior to Applicant's disclosure, why one would provide Applicant's spring arrangement in this context. Therefore, Applicant submits that claim 52 also represents a non-obvious invention as compared to the cited art.

Claim Rejections – 35 USC § 103

Claim 48 stands rejected under 35 U.S.C. §103(a) as being obvious over Kuo as applied to claim 24, in view of U.S. Pat. No. 5,652,990 to Driesen ("Driesen"). Driesen is applied for teaching particular bristle tuft configurations. Applicant need not address whether or not it would have been obvious to apply Driesen's bristle configuration to Kuo's toothbrush, as even if it were so, the result would still not reach Applicant's invention as the Driesen reference does not supply the feature or features missing from, and not suggested by, the Kuo device with respect to claim 24. Therefore, no *prima facie* case of obviousness has been established and the rejection should be reconsidered and withdrawn.

Claim 48 also stands rejected under 35 U.S.C. §103(a) as being obvious over Blaustein, as applied to claim 24 in view of Driesen. Again, Applicant need not address whether or not it would have been obvious to apply Driesen's bristle configuration to Blaustein's toothbrush, as

even if it were so, the result would still not reach Applicant's invention as the Driesen reference does not supply the feature or features missing from, and not suggested by, the Blaustein device with respect to claim 24. Therefore, no *prima facie* case of obviousness has been established and the rejection should be reconsidered and withdrawn.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

The undersigned attorney has made a good faith attempt to respond appropriately to all of the substantive issues raised in the Office Action, at least to the extent required to show that the claimed invention is new and non-obvious. Should the Examiner find any of the claims to still not be in condition for allowance, the courtesy of a phone interview to attempt to quickly resolve any remaining issues would be appreciated.

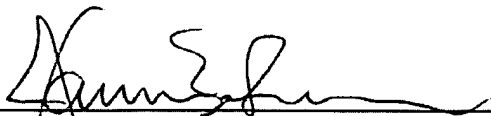
Applicant requests a one month extension of time. All fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 02894-0712US1.

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Respectfully submitted,

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